

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 14755 of 2004

Between:

- 1 Nakireddy Ganga Reddy, S/o.Linga Reddy,
R/o.Koutla-B village, R/M Sarangapur, Adilabad District.
- 2 Nakireddy Laxmi, W/o.Bhojanna,
R/o.Koutla-B village, R/M Sarangapur, Adilabad District.
- 3 Nakireddy Narsa Reddy, S/o.Pothanna,
R/o.Koutla-B village, R/M Sarangapur, Adilabad District.
- 4 Nakireddy Muthyam Reddy, S/o.Pothamma,
R/o.Koutla-B village, R/M Sarangapur, Adilabad District.

.....PETITIONERS

AND

- 1 The District Collector, Adilabad Dist. Adilabad.
- 2 The M.R.O., Sarangapur Mandal, Adilabad Dist.
- 3 Eppa Bhuma Reddy, S/o.Ramulu,
R/o.Koutla-B Village, R/m Sarangapur Adilabad Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in interfering with the petitioners fundamental and Constitutional rights over the petitioners property in Sy.No.185 admeasuring Acres 10.13 guntas and in Sy.186 admeasuring Acres 7.25 guntas in Jewili village, Sarangapur Mandal, Adilabad district without putting the petitioner's on notice or initiating any proceedings in law as being illegal, arbitrary and unconstitutional apart from being in breach of principles of natural justice and consequently direct the respondents not to interfere in any manner with the petitioners rights over the petitioners' said property.

For the Petitioners: MR.S.NIRANJAN REDDY, Advocate

For the Respondent Nos.1 and 2: GP FOR REVENUE

The Court made the following :

ORAL ORDER

This writ petition is filed complaining that in spite of petitioners obtaining ad-interim injunction against the third respondent and others in OS No.23/2004 on the file of Senior Civil Judge, Nirmal, the second respondent being influenced by the third respondent and other villagers came to the petitioner's land with the help of Grama Sevakas and tried to remove the fence over the petitioners' land for the purpose of using the same as cart track for the villagers. The action of the Mandal Revenue Officer in providing pathway to the villagers is arbitrary and illegal.

The Mandal Revenue Officer, Sarangapur Mandal, Adilabad District filed a counter-affidavit stating that he never interfered with the possession of the property of the petitioners in S. No.185 situate at Jevili village, Sarangapur Mandal, Adilabad District which is a patta land. It is also denied about the second respondent and Grama Sevikas tried to remove the fence over the land of the petitioners. On coming to know of the injunction order passed by the Senior Civil Judge, Nirmal, though villagers represented to provide pucca pathway, he has not taken any action on the said representation as the matter is sub-judice before the civil court. If the land of the petitioner is required for any public purpose, necessary due procedure will be followed and only after following due procedure and due notice, if the land is required for public purpose, the same will be taken possession. The same is placed on record.

In view of the same, no further orders are required to be passed in the present writ petition.

The writ petition is accordingly dismissed.

A.GOPAL REDDY,J

Dt. 25-10-2004

kmr

To

- 1 The District Collector, Adilabad Dist. Adilabad.
- 2 The M.R.O., Sarangapur Mandal, Adilabad Dist.
- 3.** 2CCs to the Govt., Pleader for Revenue, High Court Buildings, Hyderabad (OUT)
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